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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,808

11/10/2008

Arnd Ritz

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

MAY, ROBERT J

ART UNIT

PAPER NUMBER

2885

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,808	<b>Applicant(s)</b> RITZ, ARND	
	<b>Examiner</b> ROBERT J. MAY	<b>Art Unit</b> 2885	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The preliminary amendment filed June 26, 2006 has been entered. Currently Claims 1-9 are pending.

#### ***Claim Objections***

Claim 8 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 8 recites the lamp as being a light source which is not seen to limit the parent claim 1 structurally.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4-5 recite the limitation "the mutually corresponding surfaces" in line 2. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 103***

Art Unit: 2885

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleinert (1,232,046) in view of Sugimoto (5,479,065) and Bockley (5,660,462).

Regarding Claims 1-2 and 8, Kleinert discloses a lamp which comprises at least a lamp bulb (2) which hermetically seals off a space (the incandescent lamp b is seen to be a bulb sealing off a space), which lamp bulb b has at least one region which does not and/or does not directly serve for the desired light emission of the lamp (a region of the lamp has a region that does not directly emit light towards the front covered by reflector d).

Regarding Claims 1-2, Kleinert does not disclose the lamp as being a high pressure discharge lamp which hermetically seals off a gas-filled discharge space.

Sugimoto discloses a similar projection lamp comprising a high discharge lamp (metal halide lamp 10, abstract) where the lamp 10 seals off a high-pressure gas filled space (within the envelope of arc tube 16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to adapt the lamp of Kleinert to accommodate the high pressure discharge lamp as taught by Sugimoto because the market place reflects the reality that metal-halide lamps are commonplace and generate a high intensity beam that are applicable in projection lamps and using the high pressure discharge lamp that hermitically seals

Art Unit: 2885

off a gas-filled discharge space as claimed would result from the application of the prior knowledge or known projection lamps as demonstrated by Sugimoto in a predictable manner. See *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (2007).

Regarding Claims 1 and 7, Kleinert does not explicitly disclose the reflector d comprises a thermally conducting material which is provided that has a higher thermal conductivity than the material of the lamp bulb b.

Bockley discloses a reflective member 70 as being made from aluminum or copper (Col 5, lines 55-60) which are specularly reflective and one of ordinary skill in the art would have used aluminum or copper because they were known to be light-weight and thermally conductive.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to fabricate the reflector d from an aluminum or copper material because they are specularly reflective and thermally conductive.

Regarding Claim 3, Kleinert discloses the reflector d as a sleeve but does not explicitly disclose the reflector d as being disposed at the distance 500 or less than 200 microns from the bulb b.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to adjust the relative positioning of the reflector d from the bulb adjust the beam spread as a result of the positioning of the reflector d to the bulb b, since it has been held by the courts that, where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device, and a device having the claimed relative dimensions would not perform differently than the

Art Unit: 2885

prior art device, the claimed device was not patentably distinct from the prior art device. *In Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984)

Regarding Claim 4, Kleinert discloses in Figure 1, a lamp as claimed in claim 1, characterized in that the mutually corresponding surfaces of the lamp bulb b and of the thermally conducting material d are substantially identical or similar as regards shape, geometry, and/or expansion.

Regarding Claim 5, Kleinert discloses in Figure 1, a high-pressure gas discharge lamp as claimed in claim 1, characterized in that the mutually corresponding surfaces of the lamp bulb b and of the thermally conducting material d are not or only partly identical or similar as regards shape, geometry, and/or expansion.

Regarding Claim 6, Kleinert does not explicitly disclose the thermally conducting material d is a foil or a coating which is arranged on the lamp bulb.

Sugimoto discloses a reflective coating 20 arranged on the lamp bulb (Col 3, lines 30-35). This would provide the benefit of reducing the number of distinctive parts by merely coating the bulb with a coating rather than installing a separate reflector member separated a distance therefrom.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a coating on the bulb b to reduce the number or distinctive elements thereby simplifying the design and facilitating assembly.

Regarding Claim 9, Kleinert discloses in Figure 1, in addition to Claim 1 a lighting unit as claimed in claim 8, with a light source which is a UHP lamp, a main reflector a,

Art Unit: 2885

and a back reflector d with an opening which is situated opposite the main reflector a and through which light originating from the light source b is reflected onto the main reflector a, characterized in that the center of the light source is situated in a focal point of the back reflector a, and the back reflector is provided on the lamp bulb b.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kondo (6,558,032) and Tanaka (6,002,197) disclose a projection lamp with high pressure discharge lamps and opposed reflective surfaces.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. MAY whose telephone number is (571)272-5919. The examiner can normally be reached on Mondays through Fridays 9am-12pm & 1-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2885

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROBERT J. MAY/  
Examiner, Art Unit 2885

/R. J. M./  
Examiner, Art Unit 2885